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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,488	06/13/2001	Daylan B. Darby	042390.P11668	5256
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INTEL/BSTZ			EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			HU, JINSONG	
1279 OAKMEAD PARKWAY				
SUNNYVALE, CA 94085-4040			ART UNIT	
			PAPER NUMBER	
			2154	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/880,488

Applicant(s)

DARBY, DAYLAN B.

Examiner

JINSONG HU

Art Unit

2154

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are presented for examination. Claims 1, 8 and 13-25 have been amended.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7 and 13-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-7 claimed data structure of an email file but failed to claim any hardware processor for performing the claimed procedure.

Claims 13-25 direct to "a tangible computer readable medium". However, the specification fails to support the limitation. Examiner suggests amend the claim with "computer readable storage medium", and amend the specification by adding clear definition for "computer readable storage medium", which should only related to hardware device or processor.

Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 7,055,091).

6. As per claim 1, Williams teaches the invention substantially as claimed including a data structure for an electronic mail file comprising a single file including [410, 420, 430 etc. Fig. 4] combined electronic mail data [i.e., contents of the web page whose URL is 414 of Fig. 4] and variable meta-data information describing the electronic mail data [i.e., the cutout 412 describes the information for the electronic mail data and the content of 412 is variable, 412 of Fig. 4]; and a header [414, Fig. 4] with link to information capable of monitoring changes in the variable meta-data information, the information additionally capable of identifying a location of the electronic mail data within electronic mail file [col. 5, line 17 – col. 6, line 7; col. 7, lines 33-61].

Williams does not specifically divide the contents in the e-mail file in two portions. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to divide the e-mail file in two portions based upon the teaching

of Williams' reference because doing so would make an e-mail file being viewed by user easily by organizing the e-mail file in less complicated and neat format.

7. As per claims 2-4, Williams teaches the header includes a link to a start of the electronic mail data, a link to an electronic mail sender [414, Fig. 4; col. 7, lines 21-32] and a link to an electronic mail recipient [inherent, i.e., recipient's address].

8. As per claims 5 and 6, Williams teaches the header operates as an encoder and monitors changes to the variable meta-data information [col. 7, lines 33-61].

9. As per claim 6, Williams teaches the header operates as an encoder and monitors a location of the electronic mail data within the file [col. 7, lines 33-61].

10. As per claim 7, Williams teaches the meta-data information is referenced in the header [col. 7, lines 33-61].

11. As per claims 8-12, since they are method claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

12. As per claims 13-18, since they are computer program claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

13. As per claims 19-25, since they disclose the same limitation as claims 1-7 from different prospect (i.e., sender and receiver), they are rejected for the same basis as claims 1-7 above.

14. As per claims 26-30, since they are system claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

Conclusion

15. Applicant's arguments with respect to the newly added limitations have been considered but are not persuasive. See paragraph 6 of this action for details.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong Hu/

Primary Examiner, Art Unit 2154